

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. N-34.

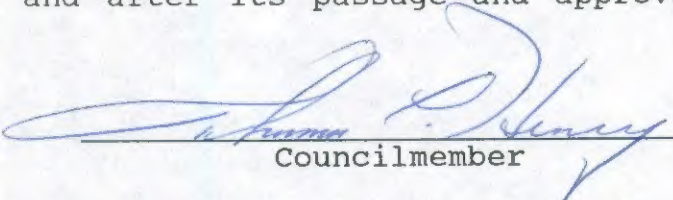
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated an B-1-B (Light Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

Lots 10 through 16 of Washington Center Place Add. Sec.  
A, and the following described parcel: Starting at the  
NW corner of the NW  $\frac{1}{4}$  of Sec. 24, T 31 N, R 12 E,  
thence S along the W line of said  $\frac{1}{4}$  section 1140' more  
or less to a point of intersection with the N boundary  
line, extended, of Northcrest Add. Sec. 2 projected W  
and being the point of beginning; thence E along said N  
boundary line, extended, 290' more or less to the NW  
corner of Lot 175 of said subdivision; thence N  
parallel with the W line of said  $\frac{1}{4}$  section 180' to the  
south line of Lot 18 of Washington Center Place Add.  
Sec. A; thence W parallel with the south line of said  
lot 290' more or less to the W line of said  $\frac{1}{4}$  section;  
thence south along the W line of said  $\frac{1}{4}$  section 180' to  
the point of beginning, containing approximately 5.17  
acres, and subject to all rights-of-way.

and the symbols of the City of Fort Wayne Zoning Map No. N-  
34, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 2-12-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~1981~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD				<u>✓</u>
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-9-91.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-06-91 on the 9th day of April, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1991, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 1991, at the hour of 10:00 o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We \_\_\_\_\_  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
Indiana, by reclassifying from a/an IA/RA/BIB District to a/an B-1-B  
District the property described as follows:

SEE ATTACHED (Bill Knapp's IA)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

5526-5608-5618-5626-5820-5830 Coldwater Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one  
percentum (51%) or more of the property described in this petition.

_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

_____	_____	_____
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



**1) Bill Knapp's IA**

Lots 10 through 16 of Washington Center Place Add. Sec. A, and the following described parcel: Starting at the NW corner of the NW  $\frac{1}{4}$  of Sec. 24, T 31 N, R 12 E, thence S along the W line of said  $\frac{1}{4}$  section 1140' more or less to a point of intersection with the N boundary line, extended, of Northcrest Add. Sec. 2 projected W and being the point of beginning; thence E along said N boundary line, extended, 290' more or less to the NW corner of Lot 175 of said subdivision; thence N parallel with the W line of said  $\frac{1}{4}$  section 180' to the south line of Lot 18 of Washington Center Place Add. Sec. A; thence W parallel with the south line of said lot 290' more or less to the W line of said  $\frac{1}{4}$  section; thence south along the W line of said  $\frac{1}{4}$  section 180' to the point of beginning, containing approximately 5.17 acres, and subject to all rights-of-way.

## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

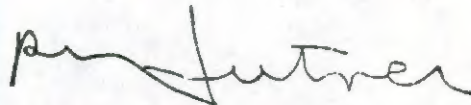
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this  
27th day of March 1991.



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Robert Hutner  
Secretary



#462  
ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Map Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** 5526, 5608, 5618, 5626, 5820, 5830 Coldwater Road

2-91-03-16

**EFFECT OF PASSAGE** Property is presently zoned RA - Suburban Residential District,

IA Symbol - Interchange Access District & B-1-B - Limited Business District.

Property will become B-1-B - Limited Business District.

**EFFECT OF NON-PASSAGE** Property will remain zoned RA - Suburban Residential;

IA Symbol - Interchange Access District & B-1-B - Limited Business District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_

**FACT SHEET**

Z-91-03-16

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Map Amendment

From IA/RA/B-1-B to B-1-B

**DETAILS****Specific Location and/or Address**

5526, 5608, 5618, 5820 &amp; 5830 Coldwater Road

**Reason for Project**

Elimination of the IA District.

**Discussion (Including relationship to other Council actions)**

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that they are proposing to reclassify this area to a B-1-B District. He stated that the southeast corner of Washington Ctr & Coldwater Roads contains approximately 5.17 acres. He stated that it currently houses a service station, Bill Knapp's and an open parcel of ground that is controlled by Knapp development. He stated that there is a public street that runs through the property and the House of Hunan. He stated that there is an individual "island" in the middle of this commercial area that has a residential zoning. He stated that they are proposing that this be included because it would clear up the zoning classifications on this stretch of the road and give the area a continuity. He stated that this zoning would not create any non-conforming uses.

He further stated that the staff has looked

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**City Plan Commission  
City Department

Other

**Opponents****Groups or Individuals**

Leroy Blough, 5526 Coldwater

**Basis of Opposition**

-rezoning would have a detrimental effect on his property

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



# DETAILS

very carefully at the uses that are established and with the exception of the open ground immediately to the south of the Bill Knapp Restaurant site, all of the ground is developed.

Leroy Blough, 5526 Coldwater Road, stated that he owned the property that was located south of the Bill Knapp's Restaurant that is zoned residentially. He stated that his property runs 850 feet off of Coldwater Road and if they rezone just a portion of it (260 feet of the property will be zoned B-1-B) he felt that would ruin the entire parcel of land. He stated that he was very much against the rezoning.

Mr. O'Brien stated that he would like to point out that although the B-1-B classification is intended for commercial and retail uses, residential uses are permitted within that district. He stated that as long as Mr. Blough continues to own that property there will be no problem as far as the use he currently has there. He stated that if the rezoning is approved and Mr. Blough proposed something commercial in that frontage, it would also be acceptable.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

## 25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

# POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

Project Start

Date 11 February 1991

Projected Completion or Occupancy

Date 27 March 1991

Fact Sheet Prepared by  
Patricia Biancaniello

Date 27 March 1991

Reviewed by

Date 3-28-91

*X. Magliozzi*

Reference or Case Number



BILL NO. Z-91-03-16

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. N-34

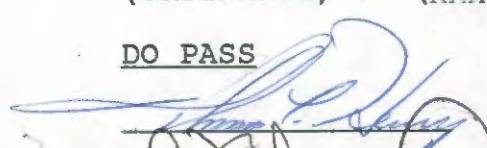
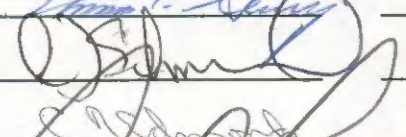
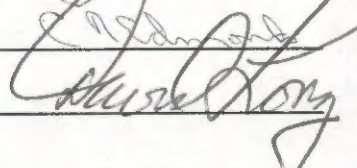
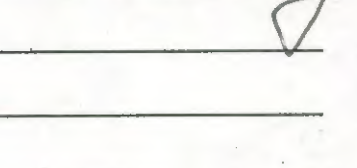
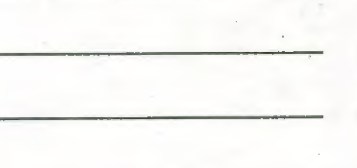
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 4-9-91

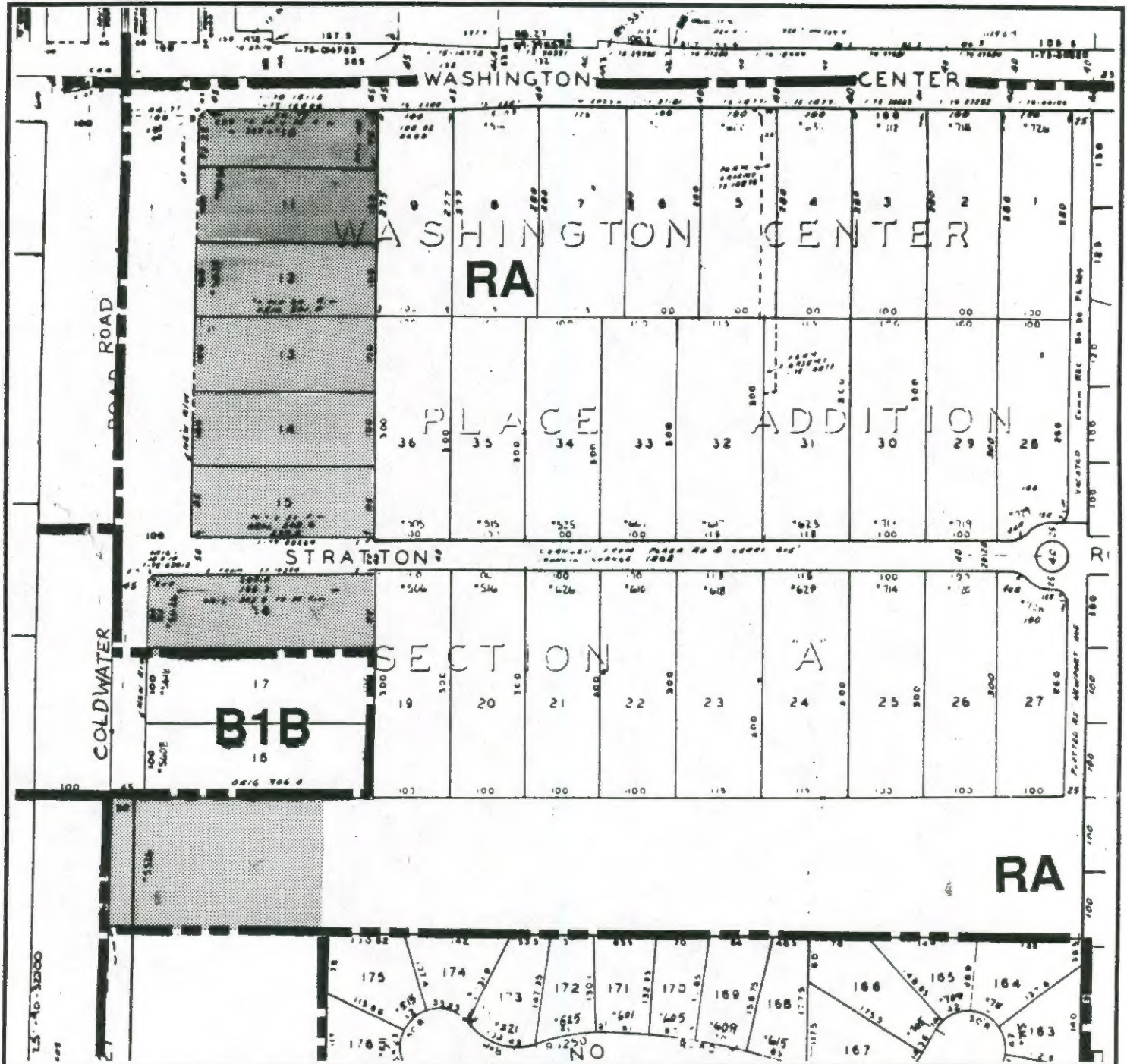
Sandra E. Kennedy  
City Clerk



# REZONING PETITION

AREA MAP

CASE NO. #462



COUNCILMANIC DISTRICT NO. 3

Map No.: N-34  
LW 2-22-91

R1 One-Family  
R2 Two-Family  
R3 Multi-Family  
RA/RB Residential  
PUD Planned Unit Dev.

B1 Limited Business  
B2 Planned Shopping Center  
B3 General Business  
B4 Roadside Business  
POD Professional Office District

M1 Light Industrial  
M2 General Industrial  
M3 Heavy Industrial  
IA Interchange Access  
MHP Mobile Home Park